

REMARKS

Basis for the amendment to claim 1 may be found in original claim 7. Basis for new claim 25 may be found in original claims 1 and 3. Basis for claims 26-34 may be found in original claims 4-6, and 10-15 respectively.

In paragraph 3 claim 8 is objected to because of informalities. The Examiner states that Dmin should be defined. The Examiner requests that the applicant define the meaning of Dmin such as defined in the Appeal Brief. In the amendment above claim 8 has been amended to incorporate the definition as suggested by the Examiner. Therefore, it is respectfully requested that this objection be reconsidered and withdrawn.

In paragraph 4 of the Office Action, claims 1, 2, 4, 10, and 11 stand rejected under 35 USC 103 as being unpatentable over Bryant in view of Bilhorn in view of Kojima (403). The Examiner states that Bryant discloses exposing a region of the element to create latent image, processing latent image, sampling intensity signal, and analyzing the sample data to determine if there are regions where uniformity differs from uniform exposure; if such differences are found there is a linear defect. The Examiner notes that Bryant does not disclose analyzing the sample density data in widthwise direction. The Examiner states that Bilhorn teaches it is known to analyze the sample data in the imaging width direction of the element to determine if there are regions where uniformity differs to locate linear defects on photographic elements. The Examiner states that Bryant and Bilhorn do not explicitly disclose employing the location of the defect in processing a digital image derived from the photographic product. Kojima is stated to disclose employing the location of the defect in processing a digital image derived from the photographic element. The Examiner states that Bryant, Bilhorn, and Kojima are combinable because they are in the same field of endeavor of detecting defects in film. This rejection is respectfully traversed.

Bryant is not performing a similar inspection system to that of the claimed invention. Bryant is looking for repetitive anomalies that could cause flickering. He is not looking for widthwise variation but looking at variation in exposure density along the length of the film. In contrast, the instantly claimed invention analyzes in the widthwise direction for uniformity of exposure. By analyzing in the widthwise direction linear defects can be located as points of

nonuniformity. In contrast, Bryant is analyzing for uniformity differences between sections of the film not portions in the widthwise direction. Bilhorn et al. discloses a process of optical inspection to detect flaws in a moving Web. The system utilizes infrared for inspection of the film prior to exposure. The system would not be able to detect streaks that show up after development. Bilhorn et al. is a system set up for manufacturing rather than use with developed film. Kojima does not look for defects in a substrate but looks for defects in individual images. Kojima corrects images and does not compensate for substrate defects. Kojima looks for defects in small areas of images not for defects across an image substrate by contrast exposure to locate defects. Kojima only looks at images and does not find defects in test areas as set forth in the instant invention. The instant system creates a latent image and processes the latent image. The instant system then utilizes the information regarding location of the defects in processing digital images formed from scanning the photographic element. There is no disclosure or suggestion in any of the three cited references of utilization of information from test images in forming of a digital image. Information derived in both Bryant and Bilhorn et al. systems allows discarding of certain sections of the film rather than making use of the film. The invention system that would control for the defect and form an image from digital information incorporating the information concerning defects. This invention is several steps from the Kojima, Bilhorn et al. and Bryant processes which involve discarding portions of the film where images would not be satisfactory or correcting individual images. In contrast the instant invention scans imperfect images and then utilizing the knowledge of the uniformity differences allows digital images to be formed that are corrected for the defects in the original image as a result of substrate defects. There is no disclosure suggestion in any combination of Kojima, Bryant or Bilhorn et al. to do this and therefore withdrawal of the rejection is respectfully requested.

In paragraph 5 of the Office Action claims 3 and 5-8 stand rejected under 35 USC 103 as being unpatentable over Bryant, Bilhorn and Kojima applied as to claim 1 above and further in view of Reem. The Examiner states that, regarding claim 3 (now claim 25), Bryant does not appear to recognize exposing a multiplicity of exposure levels along the length of the element. The Examiner states that Reem teaches that it is known to form a multiplicity of

exposure levels on a photographic element. Therefore, the Examiner states it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the exposure disclosed by Ryan, Bilhorn, and Kojima to include exposing a multiplicity of exposure levels as taught by Reem because the variations alter the amount of density that is formed for different levels of exposure and simplifies defect detection. With respect to claims 5-7, the Examiner states that Bryant does not appear to recognize a specified exposure level. However, the Examiner states that Reem teaches that it is known to expose a region of a negative photographic film having a plurality of layers to create a latent image that is developable in all layers of the film and the exposure is less than the exposure at which further increase in exposure no longer results in increased density. Therefore, the Examiner states it would be obvious to one of ordinary skill in the art to modify the exposure level disclosed by Bryant, Bilhorn, and Kojima to include the exposure level disclosed by Reem because the recognition of variations in photographic film response improves the system performance. This rejection is respectfully traversed.

As urged above with respect to the rejection of claim 1, Bryant, Kojima and Bilhorn et al. do not teach or suggest a combination that leads to the instant invention where crossways defect information is utilized in processing a digital image derived from the photographic element. Reem et al. is not detecting defects in film but rather as measuring gamma in order to provide gamma correction to photographic images produced from the filmstrip. There is no combination with Reem that would overcome the failure of Bryant, Kojima and Bilhorn to disclose the claimed invention. None of these references contain anything that would suggest analyzing sample density in the widthwise direction along the length of the photographic element or with differing densities and employing location of the defect in processing a digital image derived from the photographic element. Therefore, it is respectfully requested that the rejection of claims 3 and 5-8 be reversed.

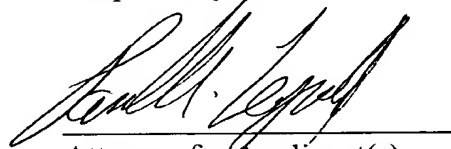
Claims 12-15 stand rejected under 35 USC 103 as being unpatentable over Bryant, Bilhorn and Kojima as applied to Claim 1. The Examiner states that Bryant does not recognize employing an alternate photographic process, but that Kobayashi teaches it is known to process a latent image using the dry photographic process with pressure sensitive heat

developable film. The Examiner states that the selection of photographic processes is well-known and would be within the level of ordinary skill in the art as an alternative photographic process is taught by Kobayashi. This rejection is respectfully traversed.

As urged above, Bryant, Kojima and Bilhorn do not suggest the system of the invention. Kobayashi et al., as pointed out by the Examiner, does disclose alternate processing and image forming methods. However there is no disclosure suggestion that would overcome the deficiencies of the rejection of Bryant, Kojima and Bilhorn et al. in claim 1, where the combination fails to disclose widthwise detection of defects in exposed film, the employing of the location of a defect in processing a digital image derived from the flawed photographic element, the multiple exposure at different levels, or the exposure at a low enough level to allow detection of additional density defects. Therefore, it is respectfully requested that this rejection be reversed.

Therefore, it is respectfully requested that the objection to claim 8, and the rejections under 35 USC 103 be reconsidered and withdrawn and an early Notice of Allowance be issued in this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul A. Leipold", is written over a horizontal line.

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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.